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Attorneys for NATIONAL SURETY
CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KUNDE ENTERPRISES, INC.; VINTAGE
WINE ESTATES, INC.,

Plaintiff,

v.

NATIONAL SURETY CORPORATION;
CERTAIN UNDERWRITERS AT LLOYD'S
LONDON; RSA INSURANCE GROUP;
LIBERTY SPECIALTY MARKETS
INSURANCE GROUP; NAVIGATORS
UNDERWRITING AGENCY LIMITED;
BRIT GLOBAL SPECIALTY; TRAVELERS
MARINE CARGO,

Defendants.

Case No. 3:19-cv-06636-SK

**[PROPOSED] ORDER ON DEFENDANT
NATIONAL SURETY CORPORATION'S
MOTION TO DISMISS OR SEVER FOR
MISJOINDER PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE RULES 20
AND 21.**

Defendant National Surety Corporation's motion to dismiss or sever Plaintiff Vintage Wine Estates, Inc. and Defendants Certain Underwriters at Lloyd's London; RSA Insurance Group; Liberty Specialty Markets Insurance Group; Navigators Underwriting Agency Limited; Brit Global Specialty; Travelers Marine Cargo filed under Federal Rules of Civil Procedure, Rules 20 and 21 for misjoinder came on for hearing in this Court on November 25, 2019, at 9:30 a.m., in Courtroom C before the Honorable Magistrate Sallie Kim, United States Magistrate Judge. Counsel for Defendant National Surety Corporation, Counsel for Defendants Certain Underwriters at Lloyd's London; RSA Insurance Group; Liberty Specialty Markets Insurance Group; Navigators

1 Underwriting Agency Limited; Brit Global Specialty; and Travelers Marine Cargo and Plaintiff
2 Vintage Wine Estates, Inc. appeared at the hearing. Having considered the National Surety's
3 motion and Vintage Wine Estates, Inc.'s opposition, the other pleadings and documents on file in
4 this case, and the arguments of the parties, the Court finds that Plaintiff Vintage Wine Estate, Inc.
5 has misjoined its claims and damages with the claims and damages asserted by Plaintiff Kunde
6 Enterprises, Inc. Accordingly, the Court hereby GRANTS National Surety's motion, and
7 [dismisses without prejudice] [severs] Defendants' Certain Underwriters at Lloyd's London; RSA
8 Insurance Group; Liberty Specialty Markets Insurance Group; Navigators Underwriting Agency
9 Limited; Brit Global Specialty; and Travelers Marine Cargo and Plaintiff Vintage Wine Estates,
10 Inc. from this action.

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12 IT IS SO ORDERED.

13 Dated:

Magistrate Judge Sallie Kim

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